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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,256	01/05/2001	David D. Kloba	1933.001000A	3653

26111 7590 05/27/2005

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EXAMINER

BATES, KEVIN T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,256

Applicant(s)

KLOBA ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 25-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

This Office Action is in response to a communication made on February 11, 2005.

Claims 1-35 are pending in this application.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-24, drawn to transferring scripts with objects to a mobile device, classified in class 709, subclass 203.
- II. Claims 25-35, drawn to using a script and an object to forward a mobile device to a second object and script, classified in class 709, subclass 227.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as ensuring the mobile device is able to use a data object by checking a supported script list to and sending a script for interpreting the object. See MPEP § 806.05(d).

Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, IV, or V, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-35 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. See also MPEP 821.03

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wecker (6311058) in view of Lee (6493758).

Regarding claims 1, 9, and 17, Wecker discloses a method of performing script operations for mobile devices (Column 2, lines 20 – 24), comprising the steps of: (1) sending a request for at least one object (Column 2, lines 57 – 62); (3) receiving said at least one object; and (4) receiving at least one script related to said at least one object (Column 3, lines 64 – 65), but Wecker does not explicitly indicate the step of (2) sending a list of supported script languages. Lee teaches a system that requests objects from a server and received objects and code in return (Column 4, lines 36 – 45). The system includes the steps of sending a to the server a request including one or more specification about what language or script that the response should include (Column 4, lines 36 – 56; Column 5, lines 28 – 39). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to use Lee's teaching of informing the server of which language or languages the client is expecting in the servers response, in Wecker's system in order to optimize the communication and results between a client and a server by allowing the client to request a more appropriate response (Column 6, lines 46 – 67).

Regarding claims 2, 10, and 18, Wecker in combination with McLain discloses the step of: (5) storing said at least one object and said at least script (Wecker, Column 8, lines 56 – 59).

Regarding claims 3, 11, and 19, Wecker in combination with McLain discloses the steps of: (5) accessing said at least one object; (6) executing said at least one script related to said at least one object (Wecker, Column 4, lines 35 – 44).

Regarding claims 4, 12, and 20, Wecker in combination with McLain discloses the steps of: (a) determining said at least one script's language; (b) interpreting said at least one script based on said language (Wecker, Column 9, lines 55 – 63); (c) receiving page specific global objects; and (d) forwarding said page specific global objects (Wecker, Column 9, lines 59 – 63).

Regarding claims 5, 13, and 21, Wecker in combination with McLain discloses the step of: (i) compiling said at least one script (Wecker, Column 4, lines 35 – 40).

Regarding claims 6, 14, and 22, Wecker in combination with McLain discloses the step of: (5) updating at least one property based on operation of said at least one script (Wecker, Column 3, lines 11 – 14).

Regarding claims 7, 15, and 23, Wecker in combination with McLain discloses the steps of: (a) accessing at least one property associated with page specific global objects (Wecker, Column 2, line 64 – Column 3, line 10); (b) updating said at least one property; and (c) storing said at least one property (Wecker, Column 4, lines 21 – 27).

Regarding claims 8, 16, and 24, Wecker in combination with McLain discloses that the step of: receiving information representing said at least one script wherein said information is accessed instead of said at least one script (Wecker, Column 3, lines 2 – 5; Column 10, lines 1 – 13).

Response to Arguments

Applicant's arguments filed February 11, 2005 have been fully considered but they are not persuasive. The applicant argues that the reference, Lee, does not disclose sending a list of supported script languages to the server. The examiner disagrees, the reference discloses sending a supported, suggested script language to the server and the fact that a list consists of one or more supported languages, the reference discloses at least one language, thus a list of supported languages (Column 4, lines 36 – 56; Column 5, lines 28 – 39).

Prior Art

U. S. Patent No. 6167441 issued to Himmel, because it discloses sending an object to a device to figure out what script/capabilities that device has and alters a webpage to be displayed based on the findings.

U. S. Patent No. 6470378 issued to Tracton, because it discloses sending a server all the capabilities of a device before any webpage or object is transmitted from the server.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
May 24, 2005


SALEH NAJJAR
PRIMARY EXAMINER